

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :
DEBORAH L. SAWYER :
Debtor : CHAPTER 13
: :
JACK N. ZAHAROPOULOS :
STANDING CHAPTER 13 TRUSTEE :
Movant : CASE NO. 4-24-bk-02258
: :
DEBORAH L. SAWYER :
Respondent : :

**MOTION TO DISMISS CASE FOR FAILURE TO FILE
2020 and 2022 PERSONAL INCOME TAX RETURNS WITH THE
INTERNAL REVENUE SERVICE**

AND NOW, this 21st day of April 2025 comes Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney, Agatha R. McHale, Esquire, and hereby moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with §1307(e) due to failure to file tax returns with the Internal Revenue Services for the years 2020 and 2022. In support of this Motion, the Trustee states as follows:

1. On September 10, 2024, Debtor filed this case in the Middle District of Pennsylvania.
2. The Trustee believes, and therefore avers, that Debtor has not filed their personal federal income tax return for tax years 2020 and 2022.
3. Pursuant to §1308(a),

“Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.”

4. Pursuant to §1307(e), “Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors of the estate.”

5. Accordingly, Movant respectfully requests this Honorable Court dismiss this case in accordance with §1307(e).

WHEREFORE, Movant respectfully requests this Honorable Court to dismiss this case in accordance with §1307(e) and grant any further relief this Honorable Court deems just and proper.

Respectfully submitted:

/s/Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
(717) 566-6097

BY: /s/Agatha R McHale
Attorney for Trustee

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NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, filed a Motion to Dismiss on April 21, 2025.

If you object to the relief requested, you must file your objection/response on or before May 5, 2025, with the Clerk of Bankruptcy Court, Max Rosenn United States Courthouse, 197 S. Main Street, Wilkes-Barre, PA 18701 and serve a copy on the Trustee and/or the United States Trustee.

A hearing has been scheduled for May 15, 2025, at 10:00 a.m. at Max Rosenn United States Courthouse, 197 S. Main Street, Wilkes-Barre, PA 18701, and will be held regardless of any objections or responses having been filed.

Respectfully submitted,

Date: April 21, 2025

/s/Agatha R. McHale
Attorney ID: 47613
Attorney for Trustee
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: amchale@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on April 21, 2025, I served a copy of this Motion to Dismiss, Notice, and Proposed Order on the following parties from Hummelstown, PA, unless served electronically:

SERVED ELECTRONICALLY

UNITED STATE TRUSTEE
1501 NORTH 6TH STREET
P.O. BOX 302
HARRISBURG, PA 17102

LISA A RYNARD, ESQUIRE
240 BROAD STREET
MONTOURSVILLE, PA 17754-

SERVED BY FIRST CLASS MAIL

DEBORAH L. SAWYER
60 CENTRAL AVENUE
WELLSBORO, PA 16901

I certify under penalty of perjury that the foregoing is true and correct.

Date: April 21, 2025

/s/ Tammy Life
Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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ORDER DISMISSING CASE

Upon consideration of the Trustee's Motion to Dismiss, it is hereby ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED. The Court retains jurisdiction to rule on any timely filed fee application.